

**State of New York**  
**Court of Appeals**

**Decisions**

April 10, 2025

**CASES**

For decision regarding Seneca Meadows landfill, please see page 7.

4                    No. 61 SSM 1

The People &c.,  
Respondent,

v.

Cadarrell D. Clark,  
Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

No. 30

The People &c.,  
Respondent,

v.

Christopher Farrell,  
Appellant.

Order reversed and order of Kingston City Court dismissing the accusatory instrument reinstated. Opinion by Judge Rivera. Chief Judge Wilson and Judges Garcia, Singas, Cannataro, Troutman and Halligan concur.

3                    No. 32

In the Matter of the Claim of Adam Schulze,  
Respondent,

v.

City of Newburgh Fire Department,  
Appellant.

Workers' Compensation Board,  
Respondent.

Order affirmed, with costs. Opinion by Chief Judge Wilson. Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

## MOTIONS

3 Mo. No. 2025-20  
In the Matter of Astilla BB. et al.  
  
Schenectady County Department of Social  
Services,  
Respondent;  
Francis BB.,  
Appellant.

1 Mo. No. 2025-191  
In the Matter of Robert Bentkowski, et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

1 Mo. No. 2025-218  
In the Matter of Robert Bentkowski, et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

1 Mo. No. 2025-219  
In the Matter of Robert Bentkowski, et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

1 Mo. No. 2025-220  
In the Matter of Robert Bentkowski, et al.,  
Respondents,  
v.  
City of New York, et al.,  
Appellants.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

Motion for financial relief dismissed as academic.

Motion by Aetna Life Insurance Company for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

Motion by American Medical Rehabilitation Providers Association et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

Motion by Common-Sense Caucus of the Council of the City of New York for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

Motion by Michael Wasserman et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

1                    Mo. No. 2025-243  
In the Matter of Robert Bentkowski, et al.,  
    Respondents,  
    v.  
City of New York, et al.,  
    Appellants.

Motion by Physicians for a National Health Program—New York Metro for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

4                    Mo. No. 2025-36  
In the Matter of Noemi C.  
  
Erie County Department of Social Services,  
    Respondent;  
Gladys C.-C.,  
    Appellant.

Motion for leave to appeal denied.  
Motion for financial relief dismissed as academic.

3                    Mo. No. 2025-190  
In the Matter of Hudson Valley Property  
Owners Association Inc. et al.,  
    Appellants,  
    v.  
City of Kingston et al.,  
    Respondents,  
Kingston New York Rent Guidelines Board et  
al.,  
    Respondents.

Motion by The Building and Realty Institute of Westchester and Putnam Counties, Inc. et al. for leave to file a brief amici curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3                    Mo. No. 2025-210  
In the Matter of Hudson Valley Property  
Owners Association Inc. et al.,  
    Appellants,  
    v.  
City of Kingston et al.,  
    Respondents,  
Kingston New York Rent Guidelines Board et  
al.,  
    Respondents.

Motion by Small Property Owners of New York for leave to appear amicus curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3                    Mo. No. 2025-234  
In the Matter of Hudson Valley Property  
Owners Association Inc. et al.,  
                  Appellants,  
          v.  
City of Kingston et al.,  
                  Respondents,  
Kingston New York Rent Guidelines Board et  
al.,  
                  Respondents.

Motion by New York State Conference of Mayors  
and Municipal Officials for leave to file a brief  
amicus curiae on the appeal herein granted and the  
proposed brief is accepted as filed. The brief must be  
submitted in digital format within seven days.

2                    Mo. No. 2025-143  
The People &c. ex rel. Hannah Kon, &c.,  
                  Appellant,  
          v.  
Lynelle Maginley-Liddie, &c.,  
                  Respondent.

Motion for leave to appeal granted.

2                    Mo. No. 2025-17  
In the Matter of Richard P. Liebowitz, &c.  
  
Attorney Grievance Committee for the Tenth  
Judicial District,  
                  Respondent;  
Richard P. Liebowitz,  
                  Appellant.

Motion for leave to appeal denied.

1                    SSD 11  
In the Matter of Rahul Dev Manchanda, &c.  
  
Attorney Grievance Committee for the First  
Judicial Department,  
                  Respondent;  
Rahul Dev Manchanda,  
                  Appellant.

Appeal dismissed without costs, by the Court sua  
sponte, upon the ground that no appeal lies as of  
right from the unanimous order of the Appellate  
Division absent the direct involvement of a  
substantial constitutional question (*see* CPLR 5601).

2                    Mo. No. 2024-819  
In the Matter of Luna O.

Administration for Children's Services,  
Respondent;  
Eneudis T.O.,  
Appellant.

SSD 14  
Jeremy Osborn,  
Appellant,  
v.  
Site 4 DSA Residential LLC,  
Respondent.

3                    Mo. No. 2025-245  
In the Matter of Parents for Educational and  
Religious Liberty in Schools, et al.,  
Appellants,  
v.  
Lester Young Jr., &c., et al.,  
Respondents.

3                    Mo. No. 2025-246  
In the Matter of Parents for Educational and  
Religious Liberty in Schools, et al.,  
Appellants,  
v.  
Lester Young Jr., &c., et al.,  
Respondents.

Motion for leave to appeal denied.

Appeal transferred without costs, by the Court sua sponte, to the Appellate Division, First Department, upon the ground that a direct appeal does not lie when questions other than the constitutional validity of a statutory provision are involved (*see* NY Const, art VI, §§ 3 [b] [2], 5 [b]; CPLR 5601 [b] [2]).

Motion by New York State Catholic Conference for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.

Motion by Union of Orthodox Jewish Congregations of America for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3                    Mo. No. 2025-247  
In the Matter of Parents for Educational and  
Religious Liberty in Schools, et al.,  
                  Appellants,  
                  v.  
Lester Young Jr., &c., et al.,  
                  Respondents.

Motion by New York State Association of  
Independent Schools for leave to file a brief amicus  
curiae on the appeal herein granted and the proposed  
brief is accepted as filed. Two copies of the brief  
must be served, an original and nine copies filed, and  
the brief submitted in digital format within seven  
days.

3                    Mo. No. 2025-248  
In the Matter of Parents for Educational and  
Religious Liberty in Schools, et al.,  
                  Appellants,  
                  v.  
Lester Young Jr., &c., et al.,  
                  Respondents.

Motion by Eli Reifer, et al. for leave to file a brief  
amici curiae on the appeal herein granted and the  
proposed brief is accepted as filed. Two copies of the  
brief must be served, an original and nine copies  
filed, and the brief submitted in digital format within  
seven days.

3                    Mo. No. 2025-92  
In the Matter of Walter Q.,  
                  Appellant,  
                  v.  
Stephanie R.,  
                  Respondent.  
(And Related Proceedings.)

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

3                    Mo. No. 2025-221  
In the Matter of Reclaim the Records,  
                  Appellant,  
                  v.  
New York State Department of Health,  
                  Respondent.

Motion by Debra Braverman et al. for leave to file a  
brief amici curiae on the appeal herein granted and  
the proposed brief is accepted as filed. The brief  
must be submitted in digital format within seven  
days.  
Judge Halligan took no part.

3 Mo. No. 2025-222  
In the Matter of Reclaim the Records,  
Appellant,  
v.  
New York State Department of Health,  
Respondent.

Motion by The Justice Committee for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. The brief must be submitted in digital format within seven days.  
Judge Halligan took no part.

4 Mo. No. 2024-829  
In the Matter of Samantha Rodriguez,  
Respondent,  
v.  
Darinell Young, Jr.,  
Appellant.

Motion for leave to appeal denied.

4 Mo. No. 2025-1  
In the Matter of State of New York,  
Respondent,  
v.  
Mahwee S.,  
Appellant.

Motion for leave to appeal denied.

4 SSD 10  
In the Matter of Seneca Meadows, Inc.,  
Appellant,  
v.  
Town of Seneca Falls, et al.,  
Respondents,  
Dixie C. Lemmon, et al.,  
Respondents.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding/action within the meaning of the Constitution.  
Judge Troutman took no part.

Comment: NY Court of Appeals denies appeal from Seneca Meadows, Inc., therefore upholding law to close Seneca Meadows landfill at end of 2025.

2 Mo. No. 2025-193  
The People &c.,  
Respondent,  
v.  
Daniel Sherlock,  
Appellant.

Motion by The Legal Aid Society et al. for leave to appear amici curiae on the appeal herein granted to the extent that the proposed brief is accepted as filed. Two copies of the brief must be served, an original and nine copies filed, and the brief submitted in digital format within seven days.

3 Mo. No. 2024-754  
Montgomery Blair Sibley,  
Appellant,  
v.  
Kristen Zebrowski, &c.,  
Respondent.

On the Court's own motion, appeal dismissed,  
without costs, upon the ground that the issues  
presented have become moot.  
Motion for leave to appeal dismissed upon the  
ground that the issues presented have become moot.

1 Mo. No. 2024-773  
In the Matter of Chad V.,  
Respondent,  
v.  
Kristen W.,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

3 Mo. No. 2025-89  
In the Matter of Kingston V., &c.  
Clinton County Department of Social  
Services,  
Respondent;  
Javon V.,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

4 Mo. No. 2025-35  
In the Matter of Timothy D. Whitehead,  
Respondent,  
v.  
Jada P. McClarin,  
Appellant.

Motion for leave to appeal dismissed upon the  
ground that the order sought to be appealed from  
does not finally determine the proceeding within the  
meaning of the Constitution.

1 Mo. No. 2024-761  
In the Matter of K.Y.Z.  
W.Z.,  
Appellant,  
et al.,  
Respondent;  
Good Shepherd Services,  
Respondent.

Motion for leave to appeal granted.

1                    Mo. No. 2024-813  
In the Matter of K.Y.Z.

W.Z.,                    Appellant,  
et al.,                    Respondent;  
Good Shepherd Services,  
                                  Respondent.

Motion by American Civil Liberties Union et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.

1                    Mo. No. 2024-814  
In the Matter of K.Y.Z.

W.Z.,                    Appellant,  
et al.,                    Respondent;  
Good Shepherd Services,  
                                  Respondent.

Motion by Asian American Legal Defense and Education Fund et al. for leave to appear amici curiae on the motion for leave to appeal herein granted and the brief is accepted as filed.